

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AARON JAMES PIERCE, ) No. C 03-04934 JF (PR)  
Plaintiff, ) ORDER OF DISMISSAL;  
vs. ) ADDRESSING PENDING MOTIONS  
JEANNE S. WOODFORD, et al., )  
Defendant. )  
\_\_\_\_\_) (Docket No. 144)

Plaintiff, a California inmate, filed the instant civil rights action pursuant to 42 U.S.C. § 1983, alleging deprivations of his constitutional rights by medical personnel at the Correctional Training Facility in Soledad, California (“CTF”). On July 20, 2009, the Court granted Defendants Luca and Grewal’s motion to dismiss for failure to exhaust administrative remedies and a motion for summary judgment on the grounds that Plaintiff’s claims against them are barred by the statute of limitations. (See Docket No. 143.) In the same order, the Court directed Plaintiff to either provide proof of service or provide the Court with an accurate current location of unserved Defendants Sinna and the estate or representative of deceased Defendant Robertson in order to avoid dismissal of the action under Rule 4(m) of the Federal Rules of Civil

1 Procedure. Plaintiff was given thirty days from the date of the order to comply, such  
2 that a timely response was due by August 19, 2009. The deadline has passed, and  
3 Plaintiff has failed to comply with the court order. Accordingly, Plaintiff's claims  
4 against Defendants Sinna and Robertson are dismissed without prejudice pursuant to  
5 Rule 4(m) of the Federal Rules of Civil Procedure.

6 Plaintiff's request for information to file a notice of appeal is DENIED, as the  
7 Court cannot provide legal advice or material. (Docket No. 144.) Plaintiff must  
8 comply with the Federal Rules of Appellate Procedure in filing an appeal of this  
9 action.

10 Plaintiff's motion for a court appointed attorney pursuant to the Americans  
11 with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12101 *et seq.*, is DENIED as there  
12 is no right to appointment of counsel under the ADA. On separate grounds, the  
13 motion is denied for lack of exceptional circumstances. See Rand v. Rowland, 113  
14 F.3d 1520, 1525 (9th Cir. 1997); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.  
15 1991); Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986).

16 The action is DISMISSED as there are no remaining claims. The clerk shall  
17 close the file. This order terminates Docket No. 144.

18 IT IS SO ORDERED.

19 DATED: 8/21/09



JEREMY FOGEL  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

AARON JAMES PIERCE,

Case Number: CV03-04934 JF

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

JEANNE S. WOODFORD, et al.,

Defendants.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 8/25/09, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Aaron James Pierce J-55222  
Ventura County Jail  
P.O. Box 6929  
Booking No. 117238  
Ventura, CA 93006-6929

Dated: 8/25/09

Richard W. Wieking, Clerk